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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,)
10)

11 Plaintiff,)

12 vs.)

13 GABRIEL MESA)

14 Defendants.)
15)

CASE NO.: 2:13-cr-00418-APG-VCF

STIPULATION AND ORDER
TO CONTINUE TRIAL
(Second Request)

16
17 **IT IS HEREBY STIPULATED AND AGREED**, by and between CRAIG W.
18 DRUMMOND, ESQ., attorney for Defendant GABRIEL MESA, and CRISTINA D. SILVA,
19 Assistant United States Attorney for Plaintiff, that the Trial currently scheduled for April 28, 2014
20 be vacated and set to a date and time convenient to this Honorable Court at least ninety (90) days
21 from current date.

22 This Stipulation is entered into for the following reasons:

- 23 1. That the original trial date in this matter was set for January 27, 2014 and continued
24 to April 28, 2014 at 9:00 am.
- 25 2. Defense counsel was recently appointed in this matter on April 16, 2014.
- 26 3. Defense counsel is requesting a continuance for at least ninety (90) days to meet
27 with Defendant and adequately and thoroughly review the discovery, evidence and investigate the
28 case in preparation for trial.

4. Defense counsel has other State and Federal trials scheduled for:
 April 21, 2014 – April 25, 2014 in USA vs. Stubbs, 2:13-cr-00381-APG; May 5, 2014 –
 May 9, 2014 in NV vs. Sanchez-Sanchez, C-12-285104-1; May 12, 2014 – May 23, 2014 in NV
 vs. Starks, C-10-269523-1; June 3, 2014 – June 27, 2014 in USA vs. Martin, 2:12-cr-00400-JAD;
 July 8, 2014 in Military Trial; August 2014 in USA vs. Oats 2:14-cr-00046-APG.

5. The additional time requested herein is not sought for purposes of delay, but merely
 to allow Counsel sufficient time within which to be able to effectively and complete investigation
 of discovery materials provided. Denial of this request for continuance could result in a
 miscarriage of justice. The additional time requested by this Stipulation is excludable in
 computing the time within which the trial herein must commence pursuant to the Speedy Trial
 Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section
 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections
 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

6. The parties therefore agree and stipulate that any additional time granted for
 negotiations pursuant to this request should properly be excluded from computations of the time
 within which the trial herein must commence under the Speedy Trial Act, 18 U.S.C. § 3161(7)(A),
 when considering the factors under §§ 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

7. Denial of this request for continuance could result in a miscarriage of justice.

8. That parties request that new motions deadlines be set based on a new trial date.

9. This is the parties' second stipulation to continue the trial in this case.

DATED this 18 day of April, 2014.

By: /s/
 CRAIG W. DRUMMOND, ESQ.
 228 S. Fourth Street, First Floor
 Las Vegas, NV 89101
Attorney for Defendant Oats

By: /s/
 CRISTINA D. SILVA, ESQ.
 333 S. Las Vegas Blvd., #5000
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Assistant United States Attorney

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL MESA

Defendants.

Case No.: 2:13-cr-00418-APG-VCF

ORDER TO CONTINUE TRIAL
(Second Request)

FINDINGS OF FACT

Based on the pending Stipulation of counsel and good cause appearing therefore, the Court finds that:

1. Defense counsel was recently appointed in this matter on April 16, 2014.
2. Defense counsel is requesting a continuance for at least ninety (90) days from to meet with Defendant and adequately and thoroughly review the discovery, evidence and investigate the case in preparation for trial.
3. Defense counsel has other State and Federal trials scheduled for:
April 21, 2014 – April 25, 2014 in USA vs. Stubbs, 2:13-cr-00381-APG; May 5, 2014 – May 9, 2014 in NV vs. Sanchez-Sanchez, C-12-285104-1; May 12, 2014 – May 23, 2014 in NV vs. Starks, C-10-269523-1; June 3, 2014 – June 27, 2014 in USA vs. Martin, 2:12-cr-00400-JAD; July 8, 2014 in Military Trial; August 2014 in USA vs. Oats 2:14-cr-00046-APG.
4. This is the Second Request for a continuance of the Trial date.
5. The additional time requested herein is not sought for purposes of delay, but merely to allow Counsel sufficient time within which to be able to effectively and complete investigation of discovery materials provided.
6. Denial of this request for continuance would deny the defendants reasonably requested time to review discovery and to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence, and could result in a miscarriage of justice.

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1 7. For all of the above-stated reasons, the ends of justice would best be served by a
2 continuance of the trial date. The ends of justice served by granting said continuance outweigh the
3 best interest of the public and the defendants in a speedy trial, since the failure to grant said
4 continuance would be likely to result in a miscarriage of justice and would deny the parties herein
5 sufficient time and the opportunity within which to conclude their negotiations and, if necessary,
6 also to prepare for trial.

7 8. The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
8 United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United
9 States Code, Sections 3161(h)(7)(B)(I) and 3161(h)(8)(B)(iv).

10 9. That parties request that new motions deadlines be set based on a new trial date.

11 10. Counsel requests a new Trial date, subject to the Court's calendar, for at least
12 ninety (90) days from current date.

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18 **ORDER**

19 IT IS THEREFORE ORDERED, that Trial currently scheduled for April 28, 2014, at
20 9:00am be vacated and continued to August 25, 2014 at 9:00 a.m., Courtroom 6C. Calendar Call is
21 continued to August 20, 2014 at 8:45 a.m., Courtroom 6C.

22
23 DATED this 18th day of April, 2014.

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26 UNITED STATES DISTRICT JUDGE
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